

REMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the above amendments to the claims, the attached documents and the following remarks.

Claims Status

Claims 2-5 are pending in this Application.

Claim 1 has been canceled while Claim 2 has been amended to add the limitation of Claim 1. Furthermore, Claims 2 through 5 have been amended to recite that the Invention is directed to a device. Support for this amendment can be found in the preamble of Claim 1 which refers to the Invention as a folder name generating device to generate a folder name.

Prior Art Rejections

Claims 1-3 and 5 have been rejected as being anticipated by Sawdon while Claim 4 has been rejected as being unpatentable over a combination of Sawdon and Kobata.

The claims have been amended herein by canceling Claim 1 and making Claim 2 independent. All of the other claims now depend upon Claim 2.

Claim 2 has a judging section which determines whether or not the file is obtained from a digital camera or is captured from a film scanner and a transmitting section which transmits a message to the user to ask for the date of capture of the file if the file is captured from a film scanner. Respectfully, such is not taught or suggested in the Prior Art.

The Examiner pointed to paragraph 138 on page 12 of Sawdon as teaching a judging section which judges whether the file is obtained by a digital camera or is scanned and a transmitting section which sends a message to the user requesting the date of capture of a scanned film. Applicants respectfully disagree. Paragraph 138 of Sawdon teaches that a film image mirror command issued to create a copy of the

original file and the associated snapshot data to capture the state of the original file system at the time of the command execution. In other words, in Paragraph 138, Sawdon is teaching a method to obtain a clean copy of the file. Sawdon is not teaching a judging section which determines whether or not the file is from a digital camera or a film scanner. Furthermore, Sawdon does not teach transmitting a message to the user to ask when the image was scanned by the film scanner. Respectfully, Claim 2 is patentable over Sawdon.

Because Claims 3-5 are dependent upon Claim 2, it is respectfully submitted that Claims 3-5 are also patentable over Sawdon.

Turning to the secondary reference of Kobata, Kobata does not teach a judging section to judge whether or not the image was obtained from the digital camera or a film scanner and the transmitting section for transmitting a message to the user to input the date when the file was scanned by the film scanner, thus, it is submitted that the claims as presented herein are patentable over Sawdon or Kobata taken alone or in combination.

Claim Rejections Under 101

The claims have been rejected as being directed to non statutory subject matter. The claims have been amended herein to recite that the Invention is directed to a device and, as such, is conventional statutory subject matter.

Information Disclosure Statement

Attached is PTO Form SB/08A citing the two Japanese references which were cited on page 3 of the Application. These references correspond to U.S. Published Applications, 2002/0071043 and 2001/0055126, respectively, and, thus, these two U.S. Publications have also been added to the PTO Form SB/08A.

Also enclosed therein, is a copy of the International Search Report from the corresponding International Application. Each of the three references cited in the International Search Report have also been cited on PTO Form SB/08A. It will be noted that JP 9-163037 is similar to U.S. Patent 6,092,023 and, thus, the '023 Patent has also been cited on PTO Form SB/08A.

Also enclosed is PTO Form 2038 to pay for filing of this Information Disclosure Statement after the first Office Action but before a Final Office Action or a Notice of Allowance.

Priority

On page 1 of the Office Action, acknowledgement of the priority claim is made but an indication that none of the Certified Copies of the Priority Documents have been received. According to Applicants' file, Certified Copies of the Priority Documents were submitted when the Application was filed. According to the U.S. PTO Website and the PAIR System, these copies are in the file.

Furthermore, according to Applicants' copy of the Post-Card, the Certified Copies were received by the Patent Office, see attached copy of Applicants' postcard which was submitted with the filing of this Application.

Conclusion

In view of the foregoing and the enclosed, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested.



Should any further fees or extensions of time be necessary in order to maintain this Application in pending condition or to consider the enclosed Information Disclosure Statement, appropriate requests are hereby made and authorization is given to debit Account #02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

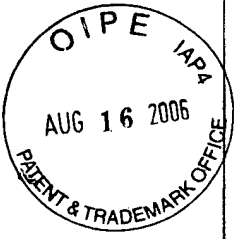
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DCL/mr

Encl: PTO Form SB/08A
Copy of International Search Report
Executed PTO Form 2038 for \$130.00
Copy of our return receipt post-card Dec. 9, 2003
Return receipt post-card



KON-1842

Dec. 9, 2003

In re New Patent Application of:
Y. Ueda, et al
For; FILE CONTROL PROGRAM

Received: Specification/Claims/Abstract(37 pgs),
15 Sheets of formal Drawings, Assignment, Declaration/
Power of Attorney, PTO-2038 for \$810.00, Priority
Documents(2), Certificate of Express Mail., Patent Trans-
mittal page 1 and page 2 , Fee Transmittal in duplicate.

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